

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

DONALD WAYNE HULL	§	
v.	§	CIVIL ACTION NO. 6:05cv298
WARDEN SIZEMORE, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Plaintiff Donald Hull, proceeding *pro se*, filed this civil rights lawsuit complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

On October 4, 2005, the Magistrate Judge ordered Hull to file an amended complaint setting out his claims with more factual specificity. When Hull did not comply with this order, the Magistrate Judge issued a Report on December 7, 2005, recommending that the lawsuit be dismissed without prejudice for failure to prosecute or to obey an order of the Court. Hull received a copy of this Report on December 14, 2005, but filed no objections thereto; instead, he filed a motion asking that his lawsuit be dismissed. Because Hull filed no objections, he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*). His request to dismiss his lawsuit is meritorious.

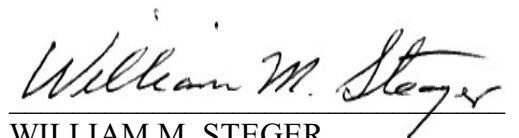
The Court has examined the Plaintiff's pleadings, the Report of the Magistrate Judge, and all documents and records in the case. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED without prejudice for failure to prosecute and on the motion of the Plaintiff. It is further

ORDERED that any and all motions which may be pending in this lawsuit are hereby DENIED.

**SIGNED this 18th day of January, 2006.**

A handwritten signature in black ink, reading "William M. Steger", is written over a horizontal line.

WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE